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Item 110 of the provisional agenda*
Right of peoples to self-determination

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Report of the Secretary-General**

I. Introduction

1. In its resolution 56/141 of 19 December 2001, the General Assembly, inter alia, requested the Commission on Human Rights to continue to give special attention to the violation of human rights, especially the right to self-determination, resulting from foreign military intervention, aggression and occupation, and requested the Secretary-General to report on this question to the Assembly at its fifty-seventh session under the item entitled "Right of peoples to self-determination".

2. On 10 April 2002 the Secretary-General addressed a note verbale to all Governments drawing their attention to General Assembly resolution 56/141 and requesting them to submit any pertinent information relating to that resolution.

3. To date, the Office of the United Nations High Commissioner for Human Rights has received three replies in response to the above note of the Secretary-General and one in response to previous notes verbales on the same issue.

4. The present report includes a summary of replies received, as well as an account of the consideration of the issue "The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation" at the fifty-eighth session of the Commission on Human Rights.

II. Replies received from Governments

Venezuela

[Original: Spanish]

5. The reply of the Government of Venezuela of 11 October 2001 referred to its new constitution of 1999, by which it intends to promote, among other things, "Latin American integration and international cooperation, in accordance with the principle of non-intervention and self-determination of peoples".

6. The constitution of 1999 lists national self-determination as one of the nation's unwaivable rights and the pre-eminence of human rights as one of its values. The right to national self-determination allows the sovereign people to choose their political structure and independence, whereas the idea of the pre-eminence of human rights means that the law should be interpreted so as to favour the rights and freedoms of individuals.

7. In its note, Venezuela also makes reference to the establishment of the Office of the Ombudsman, which is charged with promoting, defending and monitoring

* A/57/150.

** This report is being submitted on 5 July 2002 so as to include as much updated information as possible.

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the rights and guarantees included in the constitution and in international human rights treaties.

Azerbaijan

[Original: Russian]

8. In its reply of 23 May 2002, the Government of Azerbaijan stated that in several regions of the world foreign military intervention, aggression and occupation frequently violate the right of peoples to self-determination, although these actions are portrayed as being expressions of this right and of a struggle for national liberation. The Government of Azerbaijan is of the opinion that the territorial integrity and political unity of independent States should be preserved. Only non-self-governing bodies and "illegally occupied territories" have the right to independence or secession.

9. According to the Government of Azerbaijan, a distinction should also be made between the rights of persons belonging to minorities and the right of peoples to self-determination. The former are individual rights and the latter is a collective right. Therefore, minorities cannot refer to the right of peoples to self-determination to support claims of secession or dismemberment of a State. However, the Government of Azerbaijan considers that some forms of autonomy within a sovereign State might bring an end to armed conflicts involving minorities.

Kuwait

[Original: Arabic]

10. The Government of Kuwait supports and promotes the right of peoples to self-determination, as well as international and regional resolutions that uphold this right, on the understanding that it is a "fundamental right that cannot be suppressed by any means or under any circumstances".

11. According to the Government of Kuwait, international cooperation is important for the implementation of 000000000the right of peoples to self-determination and the removal of the obstacles that impede its realization.

12. The Government of Kuwait took the plight of millions of refugees and persons uprooted from their homes as an example of the negative effects caused by military intervention, aggression and occupation in countries and foreign zones.

Cuba

[Original: Spanish]

13. The reply of Cuba of 14 June 2002 made reference to the situations in the Middle East, Puerto Rico and Guantanamo Bay, which it believes are connected to the right of peoples to self-determination.

14. Cuba expressed its support for the Palestinian people to exercise their right to self-determination, "including the right to build their own independent State", and expressed its deepest concern at the difficult situation the Palestinian people are experiencing due to the Israeli occupation of its territory. According to Cuba, resolving the Palestinian issue is key to achieving a just and lasting peace in the Middle East.

15. The Government of Cuba demands that the Government of the United States of America return the Cuban territory its naval base occupies in Guantanamo Bay. This territory, Cuba wrote, has been "usurped illegally against the wishes of its people".

16. Finally, Cuba urged the United States to respect the right of Puerto Ricans to self-determination, arguing that the people of Puerto Rico have the right to establish their independence.

III. Fifty-eighth session of the Commission on Human Rights

17. During its fifty-eighth session, under agenda item 5, the Commission on Human Rights discussed "The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation". Three resolutions were adopted by the Commission under this agenda item: resolution 2002/3 on the "Situation in occupied Palestine"; resolution 2002/4 on the "Question of Western Sahara"; and resolution 2002/5 on "The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination".

18. Resolution 2002/3, entitled "Situation in occupied Palestine", reaffirmed the inalienable right of the

Palestinian people to self-determination, including their right to establish a Palestinian State, and endorsed the Arab peace initiative led by Saudi Arabia.

19. Resolution 2002/4, entitled "Question of Western Sahara", recalled the progress made since the 1988 agreements reached between Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro. The Commission called upon both parties to cooperate on remaining difficulties regarding the implementation of the different phases of the settlement plan. In addition, the Commission reaffirmed its support for the organization of a referendum for self-determination of the people of Western Sahara.

20. Resolution 2002/5, on "The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination", refers to the threat posed by mercenary-related activities to peace, security and self-determination of peoples. The Commission welcomed the report presented by the Special Rapporteur on the use of mercenaries and the efforts made by the Office of the United Nations High Commissioner on Human Rights in organizing the second meeting of experts on traditional and new forms of mercenary activities.